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6  
7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF NEVADA

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10 UNITED STATES OF AMERICA,  
11 Plaintiff,

12 vs.

13 JIMMY DAVID WASHINGTON, JR.,

14 and

15 DEMECIA SHONTRES  
16 WASHINGTON,

17 Defendants.

2:18-mj-00798-PAL

**STIPULATION AND PROPOSED**  
**ORDER TO CONTINUE**  
**PRELIMINARY HEARING AND**  
**FOR EXCLUSION OF TIME**

(First Request)

18 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle  
19 Elieson, United States Attorney, and Christopher Burton, Assistant United States Attorney,  
20 counsel for the United States of America, and Shawn R. Perez, Esq., counsel for Defendant  
21 Demecia Shontres Washington, and Rene L. Valladares, Federal Public Defender, and  
22 Kathryn Newman, counsel for Jimmy David Washington, Jr., that good cause exists to extend  
23 the preliminary hearing currently set for November 5, 2018 at 4:00 p.m. for a period of two  
24 weeks days pursuant to Federal Rules of Criminal Procedure 5.1(d).

25 Good cause exists to extend the time for the preliminary hearing within  
26 meaning of Rule 5.1(d) because counsel for the defendants will need time for investigation  
27 and to advise their respective clients with respect to their options with respect to  
28 pre-indictment resolution or preparing the matter for trial post-indictment. As a result, the

defendants agree that a continuance of the preliminary hearing date will not prejudice them as it will allow his counsel the opportunity to understand the nature and scope of the evidence in this case in order to prepare an effective defense, as well as to discuss pre-indictment resolution. Both Defendants are currently in custody.

Counsel further stipulate that an exclusion of time from November 5, 2018, until such time as the Court schedules a date for preliminary hearing, not earlier than two weeks, is appropriate under the Speedy Trial Act because defense counsel will need time to review pre-indictment discovery and conduct investigation. As a result, counsel for the parties stipulate that the ends of justice are served by the Court excluding such time and outweigh defendants' interest in a speedy trial, as well as the public's interest in a speedy trial, so that counsel for defendants may have reasonable time necessary for effective preparation, taking into account the exercise of due diligence under 18 U.S.C. § 3161(h)(7)(B)(iv). Therefore, time should be excluded from computation under the Speedy Trial Act under 18 U.S.C. § 3161(h)(7)(B)(iv) and Title 18, United States Code, Section 3161(h)(7)(A).

This is the first request to continue the Preliminary Hearing filed herein.

DATED this 1<sup>st</sup> day of November, 2018.

/s/ Shawn R. Perez, Esq.  
SHAWN R. PEREZ, ESQ.  
Counsel for Defendant,  
Demecia Washington

DAYLE ELIESON  
United States Attorney

By: /s/ Christopher Burton  
CHRISTOPHER BURTON  
Assistant United States Attorney

RENE L. VALLADARES  
Federal Public Defender

/s/ Kathryn Newman  
KATHRYN NEWMAN, ESQ.  
Assistant Federal Public Defender  
Counsel for Defendant  
Jimmy David Washington, Jr.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
JIMMY DAVID WASHINGTON, JR.,  
and  
DEMECIA SHONTRES  
WASHINGTON,  
Defendants.

2:18-mj-00798-PAL

**[PROPOSED] ORDER ON  
STIPULATION AND PROPOSED  
ORDER TO CONTINUE  
PRELIMINARY HEARING AND  
FOR EXCLUSION OF TIME**

(First Request)

Based on the representations by counsel and stipulation of counsel, good cause appearing therefore, the Court finds that:

1. The parties agree to the continuance.
2. The defendants are incarcerated but do not object to the continuance.
3. Counsel for the defendants will need time for investigation and to advise their clients with respect to their options with respect to pre-indictment resolution or preparing the matter for trial post-indictment.
4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

- 1           5.     The additional time requested herein is not sought for purposes of  
2                 delay.  
3           6.     The continuance sought herein is excludable under the Speedy Trial  
4                 Act, title 18, United States Code, Section 3161(h)(1)(A), 3161(h)(7)  
5                 and Title 18 United States Code, §§ 3161 (h)(7)(A), when the  
6                 considering the facts under Title 18, United States Code, §§  
7                 316(h)(7)(B)(I) and 3161(h)(7)(B)(iv).  
8           7.     This is the first request to continue the date set for the preliminary  
9                 hearing date filed herein.

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13                                 **ORDER**

14                 IT IS THEREFORE ORDERED, that the Preliminary Hearing set for  
15    November 5, 2018 be vacated and reset to November 19, 2018 at 4:00 p.m.

16  
17    DATED:   November 2, 2018

18                                   
19                                 UNITED STATES MAGISTRATE JUDGE  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 1<sup>st</sup> day of November, 2018, the undersigned served the foregoing on all counsel herein by causing a true copy thereof to be filed with the Clerk of Court using the CM/ECF system, which was served via electronic transmission by the Clerk of Court pursuant to local order.

*/s/ Shawn R. Perez, Esq.*

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SHAWN R. PEREZ, ESQ.